

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MARGARET LEYER,

Plaintiff

CIVIL ACTION NO.:

1:18-cv-00295-HSO-JCG

V.

JUDGE: HALIL SUL OZERDEN

LHC GROUP, INC.

Defendant.

MAGISTRATE: JOHN C. GARGIULO

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

NOW COMES defendant, LHC Group, Inc., by and through its attorney of record, and answers the Complaint filed against it as follows:

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

At all times relevant hereto, defendant acted in good faith and with good cause and has not violated any rights which may be secured to plaintiff under applicable laws, rules, regulations, codes or guidelines.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims for damages are barred, in whole or in part, because plaintiff failed to mitigate her alleged damages.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims for damages are barred, in whole or in part, because any employment actions taken with respect to Plaintiff were based on reasonable factors other than her age.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims for liquidated or punitive damages are precluded by defendant's good faith efforts to comply with the law.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to a trial by jury as to any issue of law or fact relating to plaintiff's alleged entitlement to any form of equitable relief.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims should be dismissed to the extent that they were not asserted in a duly-filed administrative charge of discrimination or to the extent Plaintiff's claims exceed the scope of an administrative charge filed by her.

AND, NOW HAVING ASSERTED AFFIRMATIVE DEFENSES, defendant responds to the Complaint as follows:

-1-

Defendant admits the allegations contained in paragraph 1 of the Complaint.

-2-

Defendant denies that it is organized under the laws of the State of Louisiana but admits the remaining allegations contained in paragraph 2 of the Complaint.

-3-

Defendant admits that this court has jurisdiction over this matter but denies that it has violated any law with respect to plaintiff.

-4-

Defendant admits the allegations contained in paragraph 4 of plaintiff's Complaint.

-5-

Defendant admits that plaintiff was employed as a registered nurse but denies the remaining allegations contained in paragraph 5 of plaintiff's Complaint.

-6-

Defendant admits that prior to November 16, 2017, a patient had medical issues who was under the care of plaintiff and others. Defendant denies, however, any inference that plaintiff reported the issues.

-7-

Defendant denies the allegations contained in paragraph 7 of plaintiff's Complaint.

-8-

Defendant denies the allegations contained in paragraph 8 of plaintiff's Complaint.

-9-

Defendant denies the allegations contained in paragraph 9 of plaintiff's Complaint.

-10-

Defendant denies the allegations contained in paragraph 10 of plaintiff's Complaint.

-11-

Defendant denies the allegations contained in mis-numbered paragraph 12 of plaintiff's Complaint.

AND NOW, HAVING ANSWERED AND ASSERTED AFFIRMATIVE DEFENSES, defendant denies that plaintiff is entitled to any relief for which she prays or any relief whatsoever.

Respectfully submitted this 24th day of September, 2018.

s/ Susan Fahey Desmond

Susan Fahey Desmond

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**COUNSEL FOR DEFENDANT,
LHC GROUP, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2018, a true and correct copy of the above and foregoing document was filed via the Court's ECF filing system which served notice on all registered parties and that a copy was sent via electronic and U. S. mail to all parties not registered for electronic notice.

This the 24th day of September, 2018.

s/ Susan Fahey Desmond

Susan Fahey Desmond